

Arnold & Porter

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MEMO ENDORSED

February 24, 2021

VIA ECF

The Honorable Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re: GE/CBPS Data Breach Litig.*, Case No. 1:20-cv-02903-KPF

Dear Judge Failla:

This is a joint letter on behalf of Defendants Canon Business Process Services, Inc. and General Electric Company (collectively, “Defendants”) and Plaintiff Steven Fowler (“Plaintiff”) in the above-referenced matter. Pursuant to Sections 9.B.i-ii and 9.C.i of Your Honor’s Individual Rules of Practice in Civil Cases, the parties respectfully request (1) an order sealing ECF No. 59-1, which is Exhibit A to the Declaration of James Allen in Support of Defendants’ Motion to Dismiss the Consolidated Class Action Complaint (“Exhibit A”), and (2) upon the Court’s order granting the request to seal Exhibit A, permission for leave to re-file Exhibit A with additional redactions.

The reason for this request is that Plaintiff believes that certain information about him contained in Exhibit A (namely, his personal email address, phone number, signature and employee sign-on ID)—should not be in the public docket. Defendants maintain that the filing of Exhibit A with redaction of only Plaintiff’s home address was appropriate and consistent with applicable rules regarding redaction, including the Court’s Individual Rules of Practice in Civil Cases, Rule 9.A. Out of an abundance of caution, Defendants attempted to give Plaintiff’s counsel advance notice and an opportunity to object prior to the filing of the exhibit, but due to logistical issues on Plaintiff’s side, that notice apparently was not received, something neither side discovered until recently. While Defendants maintain that the document does not contain any sensitive information as set forth in the motion to dismiss, as a courtesy Defendants are willing to accommodate Plaintiff’s request subject to the Court’s approval. Accordingly, to avoid burdening the Court with motion practice on this issue, the parties agree to submit this joint request for

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an order sealing ECF No. 59-1 and granting leave to re-file Exhibit A with additional redactions.

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/ Kenneth L. Chernof

Kenneth L. Chernof

Application GRANTED. Defendants may refile Exhibit A with additional redactions as specified above. The Clerk of Court is directed to make docket entry 59-1 viewable to the Court, Defendants, and Plaintiff only.

Dated: February 25, 2021
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE